

Appl. No. 10/719,924
Response dated 7/11/2007
Reply to Office Action of 4/11/2007

REMARKS/ARGUMENTS

Claim 21 and 54-60 are pending in this Application. Applicant has amended claims 21, 54, 55 and 60, and has cancelled claims 56-59 by this amendment. Applicant has added new claims 61-77. Applicant addresses the Examiner's objections and rejections below:

Rejection of Claims 21, 54 and 56 under 35 USC § 102(b)

The Examiner rejected claims 21, 54 and 56 as anticipated by Putz, U.S. Patent No. 5,980,736. Applicant has amended claims 21 and 54. Claim 56 has been canceled by this Amendment rendering these rejections now moot as to that claim.

Applicant respectfully traverses the rejection and disagrees with the Examiner's position that Putz teaches the inventions of claims 21 and 54 as amended. Putz instead teaches a water treatment plant for decontaminating rainwater and surface water for use in conventional appliances through a household waterworks. The invention of Putz is not applicable to a storm water management infrastructure at least because the invention of Putz requires a supply of drinking water to be available to the system. (See, e.g., Col. 2, lines 7-20, Col. 5, lines 12-26, and Col. 6, lines 7-10, inlet pipe 12 and 36.) Thus, Putz does not teach a wet and dry weather water disinfection system for reducing pollutants in storm water runoff comprising a disinfecting chemical dispenser located in-line to a storm water management infrastructure where said disinfecting chemical dispenser is configured to add a disinfectant chemical into storm water flowing through said storm water management infrastructure; a sensor configured to measure storm water pollution characteristics attributable to said water flowing through said storm water management infrastructure; a control unit that controls an amount of said disinfectant chemical

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added to said water flowing through said storm water management infrastructure based on said water pollution characteristics.

Claim 54 is a further limitation on claim 21, which is in condition for allowance. Therefore, Applicant respectfully requests that the Examiner withdraw his rejection of claim 54.

Rejections of Claims 55, 57-60 under 35 USC § 103(a)

The Examiner rejected claims 57, 58 and 60 under 35 USC § 103(a) as unpatentable over Putz. The Examiner has further rejected claims 55 and 59 under 35 USC § 103(a) as unpatentable over Putz in view of O'Leary et al., U.S. Patent No. 4,659,459. Applicant has amended claims 55 and 60. Claims 57 - 59 have been canceled by this Amendment rendering these rejections now moot as to those claims.

Applicant respectfully traverses the rejection and disagrees with the Examiner's position that Putz teaches the inventions of claims 55 and 60, even in view of O'Leary. Putz specifically teaches away from the downstream sensor of claim 55 at Col. 4, line 14-25, indicating that the "measuring arrangement" must be in the first (pretreatment) chamber. Further, Applicant respectfully asserts that O'Leary is not directed to a system for treating water running through a storm water infrastructure and does not teach, suggest or describe a method for storm water disinfection, comprising the steps of placing a portable disinfecting chemical dispenser adjacent to a storm drain collection location, said disinfecting chemical dispenser configured to add a disinfection chemical into storm water flowing through said storm drain collection location; measuring water pollution characteristics attributable to said water flowing through said storm drain collection location through at least one sensor; determining an amount of disinfection chemical to add to said water flowing through said storm drain collection location based on said

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water characteristics by a controller connected to said portable disinfecting chemical dispenser; and adding said amount of disinfection chemical from said portable disinfecting chemical dispenser to said water flowing through said storm drain.

Thus, neither Putz nor O'Leary, alone or in combination, disclose the claimed wet and dry weather disinfection system as presently claimed in claims 55 and 60. Withdrawal of the rejection of claims 55 and 60 is respectfully requested.

New Claims 61-77

Applicant has added claims 61-77, including new independent claims 61 and 76, which are allowable over the prior art cited by the Examiner because those documents do not teach or disclose the claimed system. New claims 62-75 and 77 depend from those independent claims and recite additional features of the system and thus are allowable over the documents cited by the Examiner.

Conclusion

For at least the reasons stated herein, Applicant respectfully submits that claims 21, 54-55 and 61-77 are in condition for allowance. If the Examiner differs in this conclusion, the Examiner is hereby requested to contact Applicant's representative for purposes of a telephone interview at the number listed below before any action (other than an allowance) is initiated. Applicant submits with this Response a Request for Examiner Interview form (PTOL-413a) for use under those circumstances.

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